

Appl. No. 10/068,928
Reply to Advisory Action of September 29, 2005

Attorney Docket No. 2001.1379/24061.421
Customer No. 42717

REMARKS

Claims 1-21 and 23 are present in the application. In view of the remarks that follow, Applicants respectfully request reconsideration.

Applicants have received and studied the Advisory Action mailed on September 22, 2005, including the detailed comments on the "Continuation Sheet". In reply, Applicants respectfully object to the fact that, on the Continuation Sheet, the Examiner repeatedly misrepresents what Applicants argued in the remarks of their last Response. For example, the Continuation Sheet asserts that "Applicant argues that Sakaguchi fails to disclose the difference in the lattice constant between the interface of the porous layer 103 and the non-porous layer 102". However, Applicants never made this particular argument. What Applicants actually argued is that, in the embodiment of Figures 4A-4D of Sakaguchi, cleaving occurs due to the fact that the layer 103 is porous. The issue here is not whether the layers 102 and 103 have different lattice constants. The issue is why cleaving occurs. And in Figures 4A-4D of Sakaguchi, lattice constants have nothing to do with cleaving. Sakaguchi specifically teaches that, in Figures 4A-4D, cleaving is caused by the porosity of the layer 103, regardless of whether the lattice constants are the same or are different. For example, Sakaguchi specifically emphasizes in lines 15-17 of column 9 that "the separation layer can be formed without the use of heteroepitaxy [different lattice constants]. As an example, a porous material is used".

The Examiner's lengthy arguments on the Continuation Sheet are all intended to prove that there is a difference in the lattice constants of the layers 102 and 103 of Sakaguchi. However, even assuming that these two lattice constants are in fact different, it has absolutely no relevance to the present situation. The §103 rejection is based on the embodiment shown in Figures 4A-4D of Sakaguchi, and cleaving in Figures 4A-4D occurs due to porosity of the layer 103, and not due to a difference in lattice constants.

On the Continuation Sheet to the Advisory Action, the Examiner concludes with a statement that Applicants should submit evidence in support of their argument that the layers 102

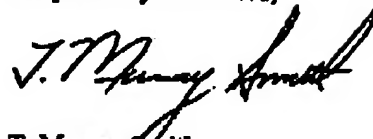
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and 103 have the same lattice constant. However, since Applicants never actually made that particular argument, there is no need to submit supporting evidence.

It is clear that the Examiner's understanding of Applicants' arguments is not accurate. Applicants therefore respectfully request that the Examiner again carefully study the remarks of Applicants' last Response (filed on September 2, 2005).

Respectfully submitted,



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Enclosures: None

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